

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:04-CR-78-02-F

UNITED STATES OF AMERICA

v.

TERRENCE MAURICE McNEILL,  
Defendant.

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**ORDER**

This matter is before the court on motion by the defendant, Terrence Maurice McNeill ("McNeill"), "to vacate its prior order of service of 24 months for the violation of supervised relief." Motion [DE-140].<sup>1</sup> This court revoked McNeill's term of supervised release by order of October 13, 2010 [DE-137], upon a finding of fact that McNeill engaged in criminal conduct. The criminal conduct alleged by McNeill's supervising U.S. Probation Officer was possession, on or about May 21, 2010, of 57.3 grams of crack cocaine in violation of N.C. GEN. STAT. § 90-95(H)(3). *See* [DE-121].

McNeill's instant motion indicates that the state drug trafficking charge had been voluntarily dismissed in lieu of federal prosecution. Indeed, this court's records reflect that McNeill is the sole defendant named in an Indictment, filed February 9, 2011, charging that he distributed fifty (50) grams or more of cocaine base (crack) on or about May 21, 2010, in the Eastern District of North Carolina. *See United States v.*

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<sup>1</sup> McNeill was sentenced in this case on December 14, 2004, to a term of 57 months imprisonment to run consecutive to any previous state or federal sentence previously imposed. *See* Judgment [DE-91].

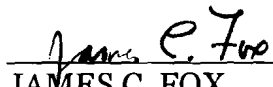
*McNeill*, No. 5:11-CR-31-1-BR. An arrest warrant was issued on that same day, but apparently has not been served on McNeill, who informs that he is in federal custody at U.S.P. Allenwood in White Deer, PA. McNeill filed a Motion for Speedy Trial in case number 5:11-CR-31-1-BR [DE-5], on April 1, 2011.

McNeill's instant motion seeks an order of this court releasing him from custody and reinstating his term of supervised release, or, in the alternative, permitting him to serve the remainder of his 24-month term in home detention. He seeks this relief in order that he may support his family.

McNeill does not allege that he was convicted or sentenced, or that his supervised release was revoked, in violation of any law or constitutional provision. Rather, the court perceives that he is requesting that the court modify his sentence in its discretion for compassionate reasons. While the court sympathizes with McNeill's family, the relief McNeill seeks is not available to him. He has not stated a ground upon which the court could or would modify or amend his sentence. Accordingly, McNeill's motion for relief [DE-140] is DENIED.

SO ORDERED.

This, the 5<sup>th</sup> day of May, 2011.

  
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JAMES C. FOX  
Senior United States District Judge